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## EX PARTE PRESENTATION

September 25, 1997

## EX PARTE OR LATE FILED

Mr. William F. Caton  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: ET Docket No. 95-18

Dear Mr. Caton:

This afternoon, Jeff Baumann, Karen Fullum, and I of the NAB met with David Siddall of Commissioner Ness' office to discuss the impact of the recently enacted budget agreement on the Commission's *Report and Order* in this proceeding. We made the following points:

- The Commission's *Report and Order* allocating 35 MHz to the Mobile Satellite Service (MSS) was premised upon the provision of adequate replacement spectrum for the Broadcast Auxiliary Service (BAS). Since the budget agreement requires that the BAS replacement spectrum identified by the Commission be auctioned for other purposes, the Commission needs to reevaluate all aspects of the *Report and Order*.
- The budget agreement also requires the Commission to auction 15 MHz of spectrum between 1990 and 2110 MHz. We pointed out that the budget bill permitted the Commission to use spectrum allocated for MSS to meet this auction requirement. The budget agreement also permits the President to identify an alternative spectrum band for auction to avoid interference with government spectrum uses. In our view, nothing in the budget agreement requires that such alternative band be located below 3 GHz.
- A reduction of the BAS spectrum to either 70 or 85 MHz would have a devastating impact on the use of such spectrum for newsgathering. In most medium and large television markets, the existing 120 MHz BAS band is already overcrowded. Although some theoretical studies have indicated that contribution quality NTSC signals could be transmitted in digital form in 85 MHz, field tests of such equipment have not proven successful and no such equipment is on the market or ready to come to market. No technology exists or is contemplated that would permit existing levels of BAS service within 70 MHz. Requiring broadcasters to shrink even to 85 MHz

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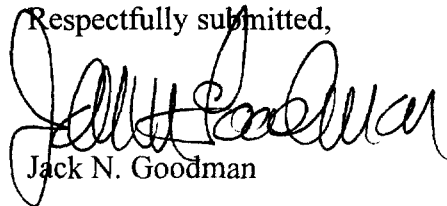
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would have a significant impact on the transition schedule contemplated in the *Report and Order* since all of the equipment now used for BAS would have to be replaced, the replacement equipment does not yet exist, and the cost of such replacement would be far higher than the cost estimated to permit BAS service to continue in 105 MHz as the Commission planned.

- None of these proposals would permit transmission of a contribution quality HDTV signal, and thus present a long-term road block to the transition to digital television service. While broadcasters would welcome the Commission's assistance in identifying other spectrum bands that could be allocated to BAS, higher frequencies do not permit the type of itinerant transmissions that mostly characterize current BAS uses.
- We discussed the possibility of other spectrum now used for federal government purposes being allocated for BAS purposes on either an exclusive or a shared basis with federal users.

We provided Mr. Siddall with the attached charts demonstrating the impact of the various proposals for the 2 GHz BAS spectrum.

Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,  
  
Jack N. Goodman

Attachment

cc: David Siddall, Esquire

*National Association of*

**NAB**  
**BROADCASTERS**

# FCC Report & Order

## Current 2 GHz band



## Proposed spectrum allocation



ENG channels would shrink to 15 MHz  
Total ENG allocation would be reduced from 120 to 105 MHz

# Post-Budget ENG Options

## 85 MHz Scenario



## 70 MHz Scenario

